

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

FRANKIE JOE BROWN,

Plaintiff,

v.

BOP LT. HARVEY, et al.,

Defendants.

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Case No. CIV-25-126-R

**ORDER**

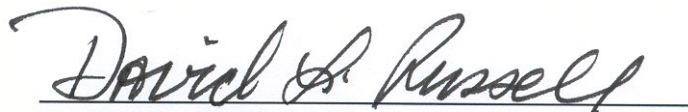
Plaintiff, a federal inmate appearing pro se and in forma pauperis, filed this action under *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971), seeking monetary relief and his transfer from FCI El Reno or release from custody. Now before the Court is a Report and Recommendation [Doc. No. 18] issued by United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Mitchell recommends this action be dismissed without prejudice because Plaintiff's request to be transferred is moot, he seeks relief not available in a *Bivens* action, and the complaint fails to satisfy the Rule 8 pleading standard. Plaintiff timely filed on Objection [Doc. No. 19], which gives rise to the Court's obligation to undertake a de novo review of those portions of the Report to which a specific objection is made.

Plaintiff's objection is somewhat disjointed and his arguments are not adequately developed but, liberally construed, he appears to be lodging an objection to Judge Mitchell's conclusion that he should not be given leave to amend because his claims fall outside the *Bivens* framework. Plaintiff's Objection presents no persuasive argument or

authority that would cause this Court to reject Judge Mitchell's analysis. Having reviewed the Report and Recommendation and the entirety of the case record, the Court fully concurs with Judge Mitchell's recommendation.

Therefore, having conducted a de novo review, the Court ADOPTS the Report and Recommendation in its entirety. For the reasons stated therein, this action is dismissed without prejudice.

**IT IS SO ORDERED** this 12<sup>th</sup> day of May, 2025.

  
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DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE